

### REMARKS

Applicant appreciates the Examiner's review of the present application and requests reconsideration based on the following remarks. Claims 1 - 20 are pending in the present application.

#### New Attorney and Correspondence Address

Please note the appointment of a new attorney for Applicant, and correspondence address, as indicated on the attached copy of the new Power of Attorney document, which was also separately submitted to the USPTO on November 17, 2004. Please also use the new attorney docket number, 23946/5, on correspondence.

#### Double Patenting Rejection

The Examiner has rejected Claims 1, 3-6, 19 and 20 under judicially created doctrine of obviousness type double patenting based on issued U.S. Patent 6,404,779. Applicant notes that the present Application is a continuation of U.S. 6,404,779, and both are wholly owned by the same assignee, as recorded in the USPTO database at reel/frame 012352/0890. Applicant provides the attached Terminal Disclaimer as requested by the Examiner. Accordingly, Applicant requests that this rejection be withdrawn.

#### Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 19 and 20 under 35 U.S.C. § 103 over U.S. Patent 5,875,179 to Tikalsky, by itself. Applicant traverses this rejection.

The Examiner states that Tikalsky discloses "rendering each binary bit stream unique by assigning to it a respective prime frequency component" at Col 5 lines 33-48. Applicant disagrees. At Col. 5 lines 33-48, Tikalsky discloses "using a prime number N **of different frequencies** in a defined sequence" and also "sequencing through a prime number, such as 53, 79 or 83 **different frequencies** in a predetermined order or in a random sequence". Tikalsky

discloses selecting a number of frequencies, where the number of frequencies selected is equal to a prime number. Tikalsky is **not selecting frequencies that are equal to prime numbers**. This is an entirely different feature. The frequencies selected by Tikalsky are not prime numbers, only the total number of selected frequencies are. One skilled in the art would have find no motivation from Tikalsky to select frequencies themselves that are prime numbers. Accordingly, Applicant asserts that Tikalsky does not disclose or make obvious each and every feature of the present invention as claimed by Claim 19, and therefore Claim 19 and dependent Claim 20 are allowable. Further with respect to Claim 20, Tikalsky does not disclose “decoding each individual prime frequency component stream to recover binary information carried thereby.” Tikalsky provides no disclosure of decoding frequencies that are prime numbers.

Accordingly, Applicant asserts that Claims 19 and 20 are allowable.

#### Allowable Claims

Applicant notes with appreciation that the Examiner has stated that Claims 7-18 are allowed.

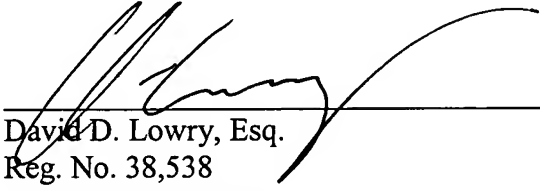
**CONCLUSION**

In view of the foregoing remarks, it is respectfully submitted that all Claims pending in the present application are allowable, and allowance is hereby requested.

In the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 for the proper amount.

Respectfully submitted,

12/3/04  
Dated: \_\_\_\_\_

  
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